

1 GEOFFREY HANSEN  
Acting Federal Public Defender  
2 RITA BOSWORTH  
Assistant Federal Public Defender  
3 19<sup>th</sup> Floor, Federal Building, Box 36106  
450 Golden Gate Avenue  
4 San Francisco, CA 94102  
Telephone: (415) 436-7700  
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6 Counsel for Defendant MCCLURE  
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9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,	)	No. CR 07-0097 MMC
	)	
12 Plaintiff,	)	<b>STIPULATION AND [PROPOSED]</b>
13 vs.	)	<b>ORDER REGARDING SENTENCE</b>
	)	<b>REDUCTION UNDER U.S.S.G. §</b>
14 ROBERT MCCLURE,	)	<b>1B1.10(b)(1) (AS AMENDED BY 750,</b>
	)	<b>PARTS A &amp; C)</b>
15 Defendant.	)	
_____	)	

16 **IT IS HEREBY STIPULATED AND AGREED**, by and between the parties acting  
17 through their respective counsel, that:

- 18
- 19 1. The defendant is making an unopposed motion for a modification of his sentence  
20 pursuant to 18 U.S.C. § 3582(c)(2).
- 21 2. Defendant's original guideline calculation was as follows:
- 22 Total Offense Level: 25
- 23 Criminal History Category: V
- 24 Guideline Range: 100-125
- 25 Mandatory Minimum: 60 months
- 26 3. Defendant was sentenced to 84 months imprisonment on June 25, 2008.

- 1 4. According to the Bureau of Prisons, defendant's current projected release date is July 22,  
2 2013.
- 3 5. Effective November, 1, 2011, defendant is eligible for a modification of his sentence  
4 pursuant to 18 U.S.C. § 3582(c), USSG § 1B1.10(b)(1), and Amendment 750, Parts A  
5 and C, of the United States Sentencing Guidelines Manual.
- 6 6. Defendant's revised guideline calculation is as follows:
- 7 Total Offense Level: 21
- 8 Criminal History Category: V
- 9 Guideline Range: 70-87 months
- 10 Mandatory Minimum: 60 months
- 11 7. The parties have no reason to dispute the Reduction of Sentence Report submitted to the  
12 Court by the probation office.
- 13 8. Based upon the foregoing, the parties hereby stipulate that the Court may enter an order  
14 reducing defendant's sentence to 70 months.
- 15 9. The parties further stipulate that all other aspects of the original judgment order including  
16 the length of term of supervised release, all conditions of supervision, fines, restitution,  
17 and special assessment remain as previously imposed.
- 18 10. Defendant stipulates that he waives and does not request a hearing in this matter pursuant  
19 to Fed. R. Crim. P. 43, 18 U.S.C § 3582(c)(2); *United States v. Booker*, 543 U.S. 220  
20 (2005) and *Kimbrough v. United States*, 128 S.Ct. 558 (2007).
- 21 11. Defendant waives his right to appeal the district court's sentence.
- 22 12. Accordingly, the parties agree that an amended judgment may be entered by the Court in  
23 accordance with this stipulation pursuant to 18 U.S.C. § 3582(c) and USSG §  
24 1B1.10(b)(1), Amendment 750, Parts A and C, of the Sentencing Commission Guidelines  
25 Manual. The parties agree that a proposed amended judgment will be submitted to the  
26 Court by the probation office, along with the Sentencing Reduction Investigation Report.

1 IT IS SO STIPULATED:

2 /s/

3 Date: 2/2/12

4 RITA BOSWORTH  
Assistant Federal Public Defender

5 /s/

6 Date: 2/2/12

7 J. DOUGLAS WILSON  
Assistant United States Attorney

8 [PROPOSED] ORDER  
9

10 Upon consideration of the stipulation submitted by the parties, it is hereby ORDERED  
11 that the defendant's sentence is reduced to 70 months; and it is further ORDERED that all  
12 original conditions of supervision, fines, restitution, and special assessment remain as previously  
13 imposed.

14  
15 Date: February 9, 2012

16 Maxine M. Chesney  
MAXINE M. CHESNEY  
United States District Judge